

REMARKS

Claims 1 – 13 remain in this application. Claims 1 and 9 have been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

With respect to claim amendments, claims 1 and 9 have been amended to include the limitation that the sheet is a heat-treated sheet that is heat-treated at a temperature of 110 to 150°C and in a range of 1 to 30 seconds before the forming or during the forming. Support for this amendment may be found in the specification from page 30, line 2 through page 31, line 9.

Claims 1, 2, 5 – 8, and 10 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Obuchi (U.S. Patent No. 5,916,950). Applicant respectfully traverses this rejection.

As described on page 30 of the specification, the formed article of the present invention is heat-treated under certain conditions before or during a sheet forming process, and thereby a crystallinity of a polylactic acid is improved by the forming process and the required heat property is obtained. Specifically, the conditions of the heat treatment include a temperature between 110 and 150°C and a time range of between 1 and 30 seconds. The amendment to claims 1 and 9 clarifies these details of the heat treatment.

In contrast, from column 8, line 63 forward, Obuchi discloses that heating a sheet is designed to soften the sheet so as to contribute to vacuum forming. This differs from the formed article of the present wherein the formed article is heat-treated under certain conditions before or during the sheet forming process. Thereby, the crystallinity of a polylactic acid is improved after the forming process and the required heat property is obtained.

The rejection confuses the sheet softening for vacuum forming according to Obuchi with the heat-treated sheet according to the heat treatment of the present invention wherein the required heat property is obtained based on improvement of the polylactic acid crystallinity after the forming for the present formed article.

Furthermore, in the present invention, the ratio of polylactic acid to polyester is between 97/3 and 80/20% by mass (for example, see page 17, line 18 through page 18, line 12 of the specification). In contrast, in Obuchi the ratio of polylactic acid to polyester is specifically limited to between 75/25 and 25/75% by mass (see column 7, lines 4 – 18). Obuchi specifically states that the polylactic acid component must be between 25 and 75% by mass, and not greater than 75% by mass. In the present invention, the polylactic acid component is between 80 and 97% by mass, which is outside of the limited range of Obuchi.

For all of these reasons, claims 1, 2, 5 – 8, and 10 are not anticipated by Obuchi. Hence, applicant submits that claims 1, 2, 5 – 8, and 10 are patentable over Obuchi. Applicant therefore respectfully requests that the Section 102(b) rejection of claims 1, 2, 5 – 8, and 10 as anticipated by Obuchi be withdrawn.

Claims 1 – 13 were rejected under 35 U.S.C. Section 102(e) as being clearly anticipated by Tanaka (JP 2003-068387). Applicant respectfully traverses this rejection.

First, Tanaka is not a proper 102(e) art rejection. Tanaka is a Japanese publication. Section 102(e) only applies to references that are U.S. patents, U.S. patent application publications, and international (PCT) patent application publications published in the English language. Therefore, Tanaka is not prior art under Section 102(e).

Second, applicant's priority date is March 6, 2002. The earliest date that can be given to the Tanaka reference is October 7, 2004, its date of publication. Because applicant's priority date is March 6, 2002, Tanaka is not a prior art reference.

For these reasons, applicant respectfully requests that the Section 102(e) rejection of claims 1 – 13 as anticipated by Tanaka be withdrawn.

Claims 1, 2, and 5 – 13 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Obuchi in view of Terada (U.S. Patent No. 6,326,440). Applicant respectfully traverses this rejection.

Applicant incorporates by reference the arguments made above with respect to Obuchi. For the same reasons as stated above, independent claims 1, 6, 7, 9, and 11 are

patentable over Obuchi and any combination of Obuchi with Terada. Claims 2, 5, 8, 10, and 12 - 13, depending variously from one or more of the base claims, are therefore also patentable over Obuchi and Terada.

For these reasons, claims 1, 2, and 5 - 13 are patentable over Obuchi and Terada. Applicant therefore respectfully requests that the Section 103(a) rejection of claims 1, 2, and 5 - 13 as being unpatentable over Obuchi and Terada be withdrawn.

Claims 3 and 4 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Obuchi in view of Ikado (U.S. Patent No. 5,766,748). Applicant respectfully traverses this rejection.

Applicant incorporates by reference the arguments made above with respect to Obuchi. Based upon those arguments, claim 1 is patentable over Obuchi. Claims 3 and 4, depending directly or indirectly from claim 1, are therefore also patentable over Obuchi, and any combination of Obuchi with Ikado.

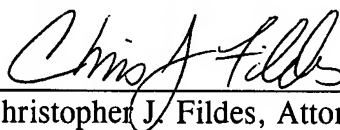
Applicant therefore respectfully requests that the Section 103(a) rejection of claims 3 and 4 as being unpatentable over Obuchi and Ikado be withdrawn.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

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